

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**LINDA BERKLEY**

**PLAINTIFF**

**V.**

**NO: 3:19CV217-MPM-JMV**

**LAFAYETTE COUNTY, MISSISSIPPI,  
the CITY of OXFORD, MISSISSIPPI,  
CHANCERY CLERK ASHLEY ATKINSON,  
and CITY CLERK SHERRY WALL**

**DEFENDANTS**

**JUDGMENT**

On January 22, 2022, this court granted defendants' motion for summary judgment in the above-entitled action, but it held off on entering a judgment dismissing the case pending Magistrate Judge Virden being given an opportunity to enter an order recommending an award of attorneys' fees and expenses to defendants. [Slip op. at 14]. In a February 22, 2022 order, Judge Virden made the following recommendations in this regard:

In conclusion, after elimination of the aforementioned time entries of defendants, the undersigned finds the following to be the reasonable fees and expenses incurred by the respective defendants in preparing the motion for sanctions, filing a joinder therein, and/or attending the hearing thereon:

The City Defendants: Butler - 12 hrs x \$325 = \$3900

Bland - 22.5 hrs x \$220 = \$4950

Hardwick - 4 hrs x \$125 = \$500

Total Fees: \$9350

Expenses: \$221.03

Total of Fees and Expenses of City Defendants: \$9,571.03

The County Defendants: Malone 11.4hrs x 155= \$1767 Fees

Expenses: \$179.20 (mileage at .56 x 320 miles)

Total of Fees and Expenses of County Defendants: \$1,946.20

Thick and Thin: Suszek - 12.05 x \$260 = \$3133

Legal Assistant - .20 x \$100 = \$20

Total Fees: \$3153

Expenses: \$156.80

Total of Fees and Expenses of Thick and Thin: \$3,309.80

[Docket entry 215 at 10].

Judge Virden carefully explained her reasons for recommending these awards in her ten-page order, and this court concludes that her recommendations should be adopted as its own. On March 8, 2022, plaintiff filed a one-paragraph response in opposition to Judge Virden's recommendations, but this court agrees with defendants that this response was both untimely under local rule 72(a)(1) (objections to magistrate judge's ruling must be filed within 14 days) and reliant upon an improper reading of Fifth Circuit authority. Plaintiff's objections to Judge Virden's recommendations will therefore be overruled.

In light of the foregoing, it is ordered that Judge Virden's recommended amounts of attorneys' fees and costs, quoted above, are awarded to defendants, and this case is dismissed for the reasons stated in this court's January 22, 2022 summary judgment order.

So ordered, this, the 27<sup>th</sup> day of June, 2022.

/s/ Michael P. Mills  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF MISSISSIPPI